

## REMARKS

Reconsideration of this application in view of the foregoing Amendments and the following Remarks is respectfully requested.

At the outset, prior to addressing the rejections over the prior art, the applicant calls to the Examiner's attention that the applicant has cancelled claims 1-8, 16, 18, and 21-28 without prejudice. The applicant has not abandoned the subject matter of claims 1-8, 16, 18, and 21-28 and reserves the right to file a continuation application directed thereto.

The applicant has rewritten claim 12 into independent form by incorporating the subject matter of cancelled base claim 8. There are no intervening claims. No new matter has been added. Accordingly, the applicant has also changed the dependency of claims 9-11, 13-14, 17 and 19 from cancelled claim 8 to now independent claim 12. Claims 15 and 20 remain as originally filed.

The applicant has also amended claim 17 to replace the limitation "at least one of Japanese kana syllabary, kanji, and alphanumeric characters" with -- at least one of (a) Japanese kana syllabary, (b) Japanese kanji, and (c) alphanumeric characters-- to improve claim form. Support for the amendment to claim 17 is found on page 16, lines 12-15, which is disclosed below regarding objections to the claims. Therefore, no new matter has been added.

**Objections: Claims 17, 25, 28**

The Examiner objects to claim 17, which recites in part "...includes at least one of Japanese kana syllabry, kanjii, and alphanumeric characters" because the use of "and" indicates all three limitations are included.

The applicant has amended claim 17 to recite in part --at least one of (a) Japanese kana syllabary, (b) Japanese kanji, and (c) alphanumeric characters--.

The applicant maintains that the specification on page 6, lines 12-15, discloses the following:

"The type of hand-entered information or hand-written character entered through the touch panel includes at least one of Japanese kana syllabry (hiragana and/ or katakana), (kanjii, and alphanumeric letters)."

Also, page 18, lines 2-5, discloses the following:

"Then, control returns to step 802 and waits for the user to enter the next character through the key pad or to press the key. (Note, the character may be Alphabet or else, any kind of language)."

Therefore, the applicant maintains that the specification supports the current claim structure of claim 17 which includes all three limitations in the group.

The Examiner makes a similar requirement for claim 25. The Examiner objects to claim 28 in that it was erroneously numbered claim 23. In response, as noted previously, the applicant has cancelled claims 25 and 28 without prejudice.

**Prior Art Rejections:**

Due to the complexity and number of references (7) cited by the Examiner, and since some of the claims are rejected under more than one grounds of rejection, the applicant has prepared a table in the ENCLOSURE which summarizes the types of rejections and the references cited against the particular claims.

**Claims 1, 3, 4, 5, 7, 16, 21-26**

The Examiner has rejected claims 1, 3, and 21-24 under 35 U.S.C. 102(e) as being anticipated by Prior et al (US 6,349,220 B1 - filed October 27, 1998 - issued Feb. 19, 2002).

The Examiner has also rejected claims 1, 3 and 21-24 under the doctrine of judicially created obviousness type double patenting as being unpatentable over claims 1 and 2 of Ishigami (US 6,415,165 B1 - filed July 9, 1999 - issued July 2, 2002), the present inventor.

In response, although the applicant disagrees, as noted previously, the applicant has cancelled claims 1, 3-5, 7, 16 and 21-26 without prejudice.

**Claim 26**

The Examiner has rejected claim 26 under 35 U.S.C. 102(e) as being anticipated by Prior et al (US 6,349,220 B1 - filed October 27, 1998 - issued Feb. 19, 2002).

The Examiner has also rejected claim 26 under the doctrine of judicially created obviousness type double patenting as being unpatentable over

claims 1 and 2 of Ishigami (US 6,415,165 B1 - filed July 9, 1999 - issued July 2, 2002), the present inventor in view of Armstrong et al (US 5,729,219 - filed Aug. 2, 1996 - issued March 17, 1998) .

In response, although the applicant disagrees, as noted previously the applicant has cancelled claim 26 without prejudice.

**Claims 27-28**

The Examiner has rejected claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Prior et al in view of Armstrong et al.

The Examiner has also rejected claims 27 and 28 under the doctrine of judicially created obviousness type double patenting as being unpatentable over claims 1 and 2 of Ishigami (US 6,415,165 B1 - filed July 9, 1999 - issued July 2, 2002), the present inventor in view of Armstrong et al (US 5,729,219 - filed Aug. 2, 1996 - issued March 17, 1998) .

In response, although the applicant disagrees, as noted previously, the applicant has cancelled claims 18, 27 and 28 without prejudice.

**Claims 2, 6, 8, 9, 13-15 and 18**

The Examiner has rejected claims 2, 6, 8, 9, 13-15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Prior et al in view of Moriya (GB 2 328 343 A - issued Feb. 17, 1999).

The Examiner has also rejected claims 2, 6, 8 and 9 under the doctrine of judicially created obviousness type double patenting over claims 1 and 2

of Ishigami of in view of Moriya (GB 2 328 343 A - application published Feb. 17, 1999).

In response, although the applicant disagrees, the applicant has cancelled claims 2, 6, 8 and 18 without prejudice and has amended claims 9, 13 and 14 to change their dependency from cancelled claim 8 to now independent claim 12. Claim 15 depends from claim 14.

In view of the arguments presented for claim 12, which follow, the applicant maintains that claims 9 and 13-15 patentably distinguish over Prior et al in view of Moriya. Consequently, the applicant respectfully requests the Examiner to withdraw the rejection of claims 9 and 13-15.

#### **Claims 10 and 11**

The Examiner has rejected claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Prior et al in view of Moriya and further in view of Armstrong et al

In response, the applicant has changed the dependency of claims 10 and 11 from cancelled claim 8 to now independent claim 12. In view of the arguments presented for claim 12, which follow the applicant maintains that claims 10-11 patentably distinguish over Prior et al in view of Moriya and further in view of Armstrong et al. Consequently, the applicant respectfully requests the Examiner to withdraw the rejection of claims 9 and 13-15.

#### **Claims 12 and 19**

The Examiner has rejected claims 12 and 19 under 35 U.S.C. 103(a) as

being unpatentable over Prior et al in view of Moriya and further in view of Moon et al (US 6,211,858 B1 - filed Sept. 26, 1997 - issued April 3, 2001)

Claim 12 recites in part “said user presses said touch panel, said processing corresponding to a single-click or a double-click of a mouse”.

In response, the applicant maintains that, with respect to claim 12, in Moon et al, the mouse is used to make a menu selection choice, but Moon et al does not disclose -- said processing corresponding to *a single—click or a double—click* of a mouse--, as recited by claim 12. This is evidenced by Moon et al, col. 5, lines 20-26, which discloses the following:

Another advantage of the portable intelligent communications device of the present invention is that its graphical user interface is designed to be operated by touch navigation, meaning that the human finger can be placed directly on the menu item choice of interest, which will have an identical effect as if a mouse or other pointing device were used to make the menu selection choice.

Therefore, since neither Prior et al nor Moriya nor Moon et al, taken alone or in combination, disclose, teach or suggest said processing corresponding to *a single—click or a double—click* of a mouse, as recited by claim 12, claim 12 patentably distinguishes over Prior et al in view of Moriya and further in view of Moon et al.

Since claim 19 has been amended to change its dependency from cancelled claim 8 to now independent claim 12, the applicant respectfully requests the

Examiner to withdraw the rejections of claims 12 and 19.

### **Claim 17**

The Examiner has rejected claim 17 under 35 U.S.C. 103(a) as being unpatentable over Prior et al in view of Moriya and further in view of Kisaichi et al (US 5,786,776 - filed March 12, 1996 - issued July 28, 1998).

The applicant calls to the Examiner's attention that claim 17 has been amended to recite in part a type of the hand-entered information or hand-written character entered through said touch panel includes at least one of **(a)** Japanese kana syllabary, **(b) Japanese** kanji, and **(c)** alphanumeric characters.

The applicant maintains that Kisaichi, column 28, line 61, to column 29, line 67, does not disclose, teach or suggest Japanese kanji characters. Since neither Prior et al nor Moriya nor Kisaichi et al, taken alone or in combination, disclose, teach or suggest a type of the hand-entered information or hand-written character entered through said touch panel includes at least one of **(a)** Japanese kana syllabary, **(b) Japanese** kanji, and **(c)** alphanumeric characters, claim 17 patentably distinguishes over Prior et al in view of Moriya and further in view of Kisaichi et al.

As a result, the applicant respectfully requests the Examiner to withdraw the rejection of claim 17.

### **Claim 20**

The Examiner has rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Prior et al in view of Moriya and Moon et al, as applied to claim

19, and further in view of Capps et al (US 5,583,833 - filed June 6, 1995 - issued December 10, 1996)

The Examiner asserts that Prior et al in view of Moriya and Moon et al teach all of the limitations as recited in claim 19. The Examiner concedes that Prior et al in view of Moriya in view of Moon et al do not teach further comprising an arrangement of a minute hand and an hour hand of a clock from the graphic information to provide time information from said entered locus as recited by claim 20. However, the Examiner asserts that in an analogous art of setting an analog clock on a computer system, Capps et al FIG. 3 discloses an arrangement of a minute hand and an hour hand of a clock from graphic information to provide time information from said entered locus.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included into Prior et al, Moriya, and Moon et al a mobile touch pad graphical display with the pen/stylus/touch pad based analog clock setting mechanism as taught by Capps et al to easily set time with a pointer.

The applicant calls to the Examiner's attention that claim 20 depends from claim 19, which in turn depends from claim 12. Claim 12 has been rewritten into independent form as noted previously. Consequently, in view of the arguments presented in favor of claim 12, claim 20 patentably distinguishes over Prior et al in view of Moriya in view of Moon et al as applied to claim 19 and further in view of Capps et al.



As a result, the applicant respectfully requests the Examiner to withdraw the rejection of claim 20.

The foregoing Amendment and Remarks establish the patentable nature of all of the claims remaining in the application, i.e., claims 9-15, 17, and 19-20. No new matter has been added. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink that reads "Anthony N. Fresco". The signature is written in a cursive, flowing style.

Anthony N. Fresco  
Registration No. 45,784

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343/4366 FAX

ANF:yd  
Enclosure

**ENCLOSURE**  
**SUMMARY OF CLAIM REJECTIONS VS. REFERENCES CITED**

CLAIM NOS.	REJECTION TYPE	REFERENCES CITED	REMARKS
1, 3, 21-24	35 U.S.C. 102(e) - anticipation	<u>Prior et al</u> (US 6,349,220 B1 - filed October 27, 1998 - issued Feb. 19, 2002)	Office Action (OA): pages 3-4
	Judicially Created Obviousness Type Double Patenting	<u>Present Inventor:</u> <u>Ishigami Claims 1 &amp; 2</u> (US 6,415,165 B1 - filed July 9, 1999 - issued July 2, 2002)	OA: page 15

2, 6, 8, 9	35 U.S.C. 103(a)	<u>Prior et al in view of</u> <u>Moriya</u> (GB 2 328 343 A - application published Feb. 17, 1999) Claim 8: NEC V832 microcontroller	OA: pages 5-8
	Judicially Created Obviousness Type Double Patenting in view of Moriya	<u>Present Inventor:</u> <u>Ishigami Claims 1 &amp;</u> <u>2 in view of Moriya</u>	OA: pages 16-18
26	35 U.S.C. 102(e)	<u>Prior et al</u>	OA: page 5

	Judicially Created Obviousness Type Double Patenting in view of Armstrong	<u>Present Inventor:</u> <u>Ishigami Claims 1 &amp; 2 in view of</u> <u>Armstrong et al (US</u> 5,729,219 - filed Aug. 2, 1996 - issued March 17, 1998)	OA: pages 20-21
27, 28	35 U.S.C. 103(a)	Prior et al in view of Armstrong et al	OA: pages 14-15
	Judicially Created Obviousness Type Double Patenting in view of Armstrong	<u>Present Inventor:</u> Ishigami Claims 1 & 2 in view of Armstrong et al	OA: page 21
4, 5, 7, 16, 24, 25	35 U.S.C. 102(e)	<u>Prior et al</u>	OA: pages 3-5

13-15, 18	35 U.S.C. 103(a)	Prior et al in view of Moriya	OA: pages 8-9
10, 11	35 U.S.C. 103(a)	Prior et al in view of Moriya and further in view of Armstrong et al	OA: pages 9-11
12, 19	35 U.S.C. 103(a)	<u>Prior et al in view of</u> <u>Moriya and further</u> <u>in view of Moon et</u> <u>al</u> (US 6,211,858 B1 - filed Sept. 26, 1997 - issued April 3, 2001)	OA: pages 11-12;

17	35 U.S.C. 103(a)	<u>Prior et al in view of</u> <u>Moriya and further</u> <u>in view of Kisaichi</u> <u>et al</u> (US 5,786,776 - filed March 12, 1996 - issued July 28, 1998)	OA: pages 12-13
20	35 U.S.C. 103(a)	<u>Prior et al in view of</u> <u>Moriya and Moon et</u> <u>al and further in</u> <u>view of Capps et al</u> (US 5,583,833 - filed June 6, 1995 - issued December 10, 1996)	OA: pages 13-14